

## **REMARKS**

In response to the above-identified Office Action, Applicants amend the application and seek reconsideration thereof. In this response, Applicants amend claims 1 and 18. Applicants do not cancel any claims or add any new claims. Accordingly, claims 1, 16-18, 20 and 21 are pending.

### **I. Claims Rejected Under 35 U.S.C. § 102(e)**

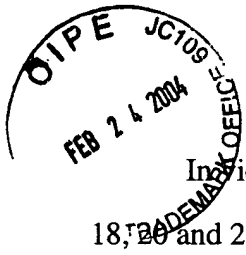
Claims 1 and 18 stand rejected under 35 U.S.C. § 102(e), as being anticipated by U.S. Patent No. 6,180,519 issued to Kuroi, et al. (hereinafter "Kuroi").

It is axiomatic that in order to anticipate a claim, each element of that claim must be taught by a single reference. In regard to claims 1 and 18, these claims include the elements of a first gate having a first metal layer that has a work function or Fermi level corresponding to the work function of an N-type silicon and a second gate electrode comprising a second metal layer having the work function or Fermi level corresponding to a work function of a P-type silicon. Kuroi does not teach each of these elements of claims 1 and 18. Rather, Kuroi teaches in the embodiment relied on by the Examiner that is related to Figure 9, transistors having gate electrodes whose conductivity type are based on the conductivity type of the polycrystalline silicon film utilized in each transistor. Thus, the conductivity type of the Nmos and Pmos transistors utilize N-type and P-type gate electrodes whose conductivity type is derived from the conductivity type of a polycrystalline silicon film 29 and 31 in each gate electrode. See column 15, lines 68 through column 16, line 11. The Examiner has not indicated and Applicants have been unable to discern any part of Kuroi that teaches a metal layer in a gate electrode having a Fermi level or work function that corresponds to P-type silicon or N-type silicon. Thus, the Examiner has not established that Kuroi teaches each of the elements of claims 1 and 18. Therefore, claims 1 and 18 are not anticipated by Kuroi. Accordingly, reconsideration and withdrawal of the anticipation rejections of claims 1 and 18 are requested.

## **II. Claims Rejected Under 35 U.S.C. § 103(a)**

Claims 16, 17, 20 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kuroi.

In order to establish a *prima facie* case of obviousness, the Examiner must show the cited reference teaches or suggests each of the elements of a claim. In regard to claims 16, 17, 20 and 21, these claims depend from independent claims 1 and 18 and incorporate the limitations thereof. Thus, for the reasons mentioned above in regard to the anticipation rejection of claims 1 and 18, Kuroi does not teach or suggest each of the elements of claims 16, 17, 20 and 21. Specifically, Kuroi does not teach or suggest metal layers in a first and second gate electrode that have N-type and P-type Fermi levels or work functions. Therefore, these claims are not obvious over Kuroi. Accordingly, reconsideration and withdrawal of the obviousness rejection of claims 16, 17, 20 and 21 are requested.




### CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely claims 1, 16-18, 20 and 21 patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

Respectfully submitted,

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Lillian E. Rodriguez

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